

Appl. No. 09/297,774
Docket No. JA-179
Amdt. dated January 27, 2011
Reply to Office Action mailed on November 23, 2010
Customer No. 27752

REMARKS

Claim Status

Claims 14 and 16-20 are pending in the present application. No additional claims fee is believed to be due.

Claims 21 and 22 are canceled without prejudice.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Specification

According to the Office Action, the "specification is replete with terms which are not clear, concise, and exact terms." Applicants previously submitted an amendment to the specification in an attempt to address the Office's concerns. The second full paragraph at page 13 was amended in Applicants' previous submission. It is Applicant's position that this amendment addressed the Office's concerns and that the specification complies with 35 U.S.C. 112, first paragraph.

The Office Action also contends that the correlation between the constant C_0 at page 20, line 8 and the values found in Table III is unclear. Applicant respectfully disagrees. The present specification discloses:

"(2) Calculation for Hand Values

The hand values of Koshi, Shari and Fukurami are obtained from the following expression (15) by applying the sixteen characteristic values obtained from the measurements. The calculation using the expression (15) is conducted according to the Knit High Sensivity Condition (KN-403-KTV).

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$$HV = Co + \sum_{i=1}^{16} \{ Ci \cdot (Xi - Xi') / \sigma_i \} \quad \text{---- (15)}$$

where HV is the hand value.

The numbers and constants to be applied to the equation are indicated in the Tables II and III."

(Emphasis added). (Page 20, lines 1-14 of the specification). Applicant submits that Table III provides different values C as a function of i (where i is an integer between 0 and 16) for the hand values of Koshi, Fukurami, and Shari. A portion of Table III is reproduced below for clarity.

Table III					
For Koshi		For Fukurami		For Shari	
i	Ci	i	Ci	i	Ci
0	4.4473	0	4.5531	0	4.8480

As a result, based on the values disclosed in Table III, Applicant submits that for the hand value of Koshi Co=4.4473, for the hand value of Fukurami Co=4.5531 and that for the hand value of Shari Co=4.8480. Applicant also submits that one of ordinary skill in the art can easily determine the other values of Ci for different hand values using Table III.

Reconsideration and withdrawal of the objections are therefore respectfully requested.

Rejection Under 35 USC §103(a)

Claims 14, 16-22 stand rejected under 35 USC §103(a) for reasons of record at paragraph 9 of the Office Action. Applicant respectfully reminds the Office that independent claim 1 includes the features of a containment assembly, **defining a containment assembly area**, and a pair of side panels joined to the containment assembly and **defining side panel areas**, each side panel comprising a securement member wherein the backsheet comprises a plastic film and a nonwoven web, said plastic film having an inner surface and an outer surface, wherein said

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plastic film is disposed only in said containment assembly area, wherein said nonwoven web is joined to the outer surface of said plastic film such that the nonwoven web covers the entire outer surface of the plastic film and is disposed on said containment assembly area and said side panel areas. (Emphasis added).

Applicants submit that neither Austin '206, nor Glaug '544, nor Willey '736 teach or even remotely suggest a plastic film disposed only in the containment area and a nonwoven web that covers the entire outer surface of the plastic film and is disposed on the containment assembly area and the side panel areas. As best understood by Applicant, the article of Austin '206 does not appear to have a plastic film disposed only in the containment assembly area, and the article of Glaug '544 does not appear to have a nonwoven web that covers the entire outer surface of the plastic film and disposed on the containment assembly area and the side panel areas. As a result, it is Applicant's position that the Office Action fails to establish a *prima facie* case of obviousness of independent claim 14 and dependent claims 16-20.

Reconsideration and withdrawal of the rejections are therefore respectfully requested.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied reference(s). In view of the foregoing, entry of the amendment(s) presented herein, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

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Date: January 27, 2011
Customer No. 27752
Amendment_Response_to_Office_Action.doc
Revised 10/25/2010